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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 10/089,350      | 03/27/2002  | Thomas James Manske JR. | 8276                | 1391             |

27752 7590 06/25/2004

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EXAMINER

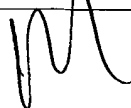
PRUNNER, KATHLEEN J

| ART UNIT | PAPER NUMBER |
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3751

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                 |  |  |
|------------------------------|---------------------------------|--|--|
| <b>Office Action Summary</b> | Application No.<br>10/089,350   | Applicant(s)<br>MANSKE ET AL.  |  |
|                              | Examiner<br>Kathleen J. Prunner | Art Unit<br>3751   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Claim Objections***

1. Claims 11, 12 and 15 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 10). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 calls for the ratio to be "at least about 1.5". The ratio to be "at least about 2", as called for by claim 11, is encompassed or included in the "at least about 1.5" called for by claim 10. Likewise, the ratio to be "at least about 4", as called for by claims 12 and 15, also is encompassed or included in the "at least about 1.5" called for by claim 10.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4 and 6-9 are under 103(a) as being unpatentable over Koumbas in view of Fahrenkrug. Koumbas discloses a disposable (note lines 20-21 on page 1) semi-enclosed applicator in the form of a glove or mitt (note lines 5, 50-52 and 67-70 on page 1) having the claimed features including a first side (constituted by one outer side of the glove or mitt), a second side (constituted by the other outer side of the glove or mitt), an internal cavity between the first and second sides and an opening such that the cavity is externally accessible (note lines 26-27 on page 1), the first side having a porous sheet containing at least 50%, by weight, non-absorbent material (note lines 40-42 on page 1), the second side having an absorbent sheet containing at least 50%, by weight, of cellulosic material (note lines 9-13 on page 1), and a fluid-impervious barrier layer constituted by the waterproof lining (note lines 14-19 on page 1) within the internal cavity adjacent the first side. The applicator of Koumbas inherently defines an absorbent

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structure constituted by its layered construction. Although Koumbas fails to disclose that the first side of the absorbent structure has a plurality of rugosities, attention is directed to Fahrenkrug who discloses another absorbent structure having its outer layers formed with rugosities 14 (note Fig. 2) in order to create a greater amount of surface area than if the layers were flat or planar (note lines 48-51 in col. 3) so that the functions of the particular layers are increased (note from line 62 in col. 3 to line 10 in col. 4). It would have been obvious to one of ordinary skill in the absorbent structure art, at the time the invention was made, to form at least the outer layers of Koumbas with a plurality of rugosities in view of the teachings of Fahrenkrug in order to create a greater amount of surface area than if the layers were flat or planar so that the functions of the particular layers are increased. With respect to claim 2, Koumbas also discloses a fluid-impervious barrier layer adjacent the second side (note lines 20-25 on page 1). With respect to claim 3, Koumbas further discloses that the first side includes a substantially absorbent layer located between the porous sheet (the outermost layer) and the fluid-impervious barrier layer (note lines 20-25 on page 1). With regard to claim 4, Koumbas additionally discloses that the porous sheet is comprised of a fibrous nonwoven material, especially when made of resilient plastics material or paper (note lines 9-13 on page 1). With regard to claim 6, Koumbas also discloses that the absorbent sheet is a paper comprised of 100% natural cellulose fibers (note lines 9-13 on page 1). With respect to claim 7, Koumbas further discloses that the absorbent sheet is a fibrous nonwoven material, especially when made of resilient plastics material or paper (note lines 9-13 on page 1). With regard to claim 8, Koumbas additionally discloses that the glove or mitt comprises a friction-enhancing element located at least partially within the internal cavity adjacent the first side (note lines 40-44 on page 1). With respect to claim 9, Koumbas further discloses that the applicator, when in the form of a glove, comprises a pocket (constituted by the pocket for each finger or digit) located at least partially within the internal cavity.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koumbas in view of Fahrenkrug as applied to claims 1-4 and 6-9 above, and further in view of

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Smith III. Koumbas further discloses that the disposable glove or mitten is used to wipe a surface (note lines 47-52 on page 1). Although Koumbas fails to disclose that the porous sheet comprises an apertured film, attention is directed to Smith III who discloses another disposable wiping element (note lines 12-13 in col. 1) having a porous outer layer comprised of an apertured film (note lines 51-66 in col. 3 and lines 11-18 in col. 4) in order to control the wetting, and hence soiling, of the inner layer to extend the useful life of the element (note lines 60-64 in col. 4). It would have been obvious to one of ordinary skill in the disposable wiping element art, at the time the invention was made, to form the porous sheet of Koumbas as an apertured film in view of the teachings of Smith III in order to control the wetting, and hence soiling, of the inner layer to extend the useful life of the element.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koumbas in view of Fahrenkrug as applied to claims 1-4 and 6-9 above, and further in view of Madnick et al. Although Koumbas fails to disclose a temperature-changing element, attention is directed to Madnick et al. who disclose another mitten (Fig. 5) or glove (Fig. 4) provided with a temperature-changing element 46 for directly or indirectly warming the fingers and blood (note lines 14-34 in col. 5) in cold weather (note lines 20-26 in col. 1). It would have been obvious to one of ordinary skill in the glove or mitten art, at the time the invention was made, to provide the glove or mitten of Koumbas with a temperature-changing element in view of the teachings of Madnick et al. in order to directly or indirectly warm the fingers and blood when used in cold weather or a cold atmosphere.

6. Claims 1-4 and 6-9 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Brammer in view of Fahrenkrug. Brammer discloses a disposable semi-enclosed applicator (note lines 1-2 in col. 1) in the form of a glove or mitt (note Fig. 1) having the claimed features including a first side (constituted by one outer side of the glove or mitt), a second side (constituted by the other outer side of the glove or mitt), an internal cavity between the first and second sides and an opening such that the cavity is externally

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accessible (note Fig. 1), the first side having a porous sheet containing at least 50%, by weight, non-absorbent material (constituted by the outer layer – note lines 15-19 in col. 1), the second side having an absorbent sheet containing at least 50%, by weight, of cellulosic material (note lines 3-5 in col. 2), and a fluid-impervious barrier layer constituted by the inner layer 10 (note lines 1-3 in col. 2) within the internal cavity adjacent the first side. The applicator of Brammer inherently defines an absorbent composite or structure constituted by its layered construction. Although Brammer fails to disclose that the first side of the absorbent composite or structure has a plurality of rugosities, attention is directed to Fahrenkrug who discloses another absorbent composite or structure having its outer layers formed with rugosities 14 (note Fig. 2) in order to create a greater amount of surface area than if the layers were flat or planar (note lines 48-51 in col. 3) so that the functions of the particular layers are increased (note from line 62 in col. 3 to line 10 in col. 4). It would have been obvious to one of ordinary skill in the absorbent composite or structure art, at the time the invention was made, to form at least the outer layers of Brammer with a plurality of rugosities in view of the teachings of Fahrenkrug in order to create a greater amount of surface area than if the layers were flat or planar so that the functions of the particular layers are increased. With respect to claim 2, Brammer also discloses a fluid-impervious barrier layer 10 adjacent the second side (note Fig. 2). With respect to claim 3, Brammer further discloses that the first side includes a substantially absorbent layer located between the porous sheet 14 and the fluid-impervious barrier layer 10 (note Fig. 2). With regard to claim 4, Brammer additionally discloses that the porous sheet 14 is comprised of a fibrous nonwoven material (note lines 28-32 in col. 1). With regard to claim 6, Brammer also discloses that the absorbent sheet is a paper comprised of 100% natural cellulose fibers (note lines 3-6 in col. 2). With respect to claim 7, Brammer further discloses that the absorbent sheet is a fibrous nonwoven material (note lines 3-8 in col. 2). With regard to claim 8, Brammer additionally discloses that the glove or mitt comprises a friction-enhancing element located at least partially within the internal cavity adjacent the first side (note from line

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54 in col. 1 to line 1 in col. 2). With respect to claim 9, Brammer further discloses that the applicator comprises a pocket (constituted by the pocket for the thumb – note Fig. 1) located at least partially within the internal cavity.

7. Claim 5 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Brammer in view of Fahrenkrug as applied to claims 1-4 and 6-9 above, and further in view of Smith III. Brammer further discloses that the disposable glove or mitten is used for cleaning purposes (note lines 1-2 in col. 1). Although Brammer fails to disclose that the porous sheet comprises an apertured film, attention is directed to Smith III who discloses another cleansing or cleaning element (note lines 12-13 in col. 1) having a porous outer layer comprised of an apertured film (note lines 51-66 in col. 3 and lines 11-18 in col. 4) in order to control the wetting, and hence soiling, of the inner layer to extend the useful life of the element (note lines 60-64 in col. 4). It would have been obvious to one of ordinary skill in the cleansing or cleaning element art, at the time the invention was made, to form the porous sheet of Brammer as an apertured film in view of the teachings of Smith III in order to control the wetting, and hence soiling, of the inner layer to extend the useful life of the element.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brammer in view of Fahrenkrug as applied to claims 1-4 and 6-9 above, and further in view of Madnick et al. Although Brammer fails to disclose a temperature-changing element, attention is directed to Madnick et al. who disclose another mitten (Fig. 5) or glove (Fig. 4) provided with a temperature-changing element 46 for directly or indirectly warming the fingers and blood (note lines 14-34 in col. 5) in cold weather (note lines 20-26 in col. 1). It would have been obvious to one of ordinary skill in the glove or mitten art, at the time the invention was made, to provide the glove or mitten of Brammer with a temperature-changing element in view of the teachings of Madnick et al. in order to directly or indirectly warm the fingers and blood when used in cold weather or a cold atmosphere.

*Allowable Subject Matter*

9. Claims 10, 13 and 14 are allowed.

*Response to Arguments*

10. Applicant's arguments filed June 4, 2004 have been fully considered but they are not deemed persuasive.
11. Applicant's arguments with respect to claims 1-9 and 16 have been considered but are moot in view of the new ground(s) of rejection.
12. Contrary to applicants' assertions, the Koumbas reference does indeed disclose a first side comprising a porous sheet containing at least 50% by weight non-absorbent material as clearly pointed out in the above rejection of the claims. The reference clearly states that the innermost liner is of "semi-absorbent" material, i.e., it is half or 50% non-absorbent.

*Conclusion*

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kathleen J. Prunner whose telephone number is 703-306-9044.

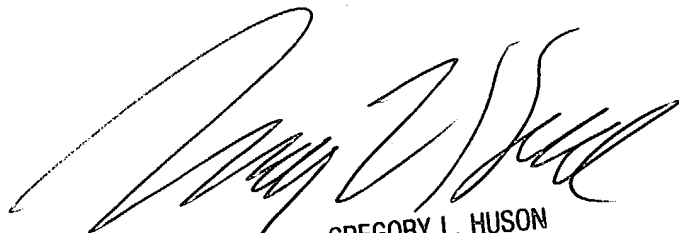
15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kathleen J. Prunner

June 24, 2004



GREGORY L. HUSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700